

Civil Enforcement Case Report

Civil Enforcement Case

Basic Information

Case Number: 01-2015-4002
Case Name: DOW AGROSCIENCES LLC
Case Category: Administrative - Formal
Case Status (as of 02/25/2015): Final Order Issued
Case Lead: EPA
Court Docket Number: --
DOJ Docket Number: --

Relief Sought: Penalty
Enforcement Outcome: Final Order With Penalty
Headquarters Division: --
Branch: --
Result of Voluntary Disclosure? No
Multi-media Case? --
Enforcement Type: FIFRA 14A Action For Penalty
Violations: Labeling/Marking Requirements

Penalties – Case Level

Total Federal Penalty Assessed or Agreed To: \$182,640
Total State/Local Penalty Assessed: \$0
Total SEP Cost: \$231,000
Total Compliance Action Cost: \$0
Total Cost Recovery: \$0

Case Summary

On February 25, 2015, Region 1 filed a CAFO resolving a case against Dow AgroSciences LLC of Indianapolis, Indiana, brought under FIFRA. The CAFO is the result of pre-filing settlement negotiations regarding civil penalty claims against Dow, a primary registrant of pesticides under Section 3 of FIFRA, for several violations of FIFRA Section 12(a)(1)(E) relating to misbranded pesticides. The violations alleged in the CAFO arise out of the actions of a Dow ?supplemental distributor? and agent –Harrell?s, LLC (Lakeland, FL) which, itself, was the subject of a much larger FIFRA settlement in December 2013– by operation of the FIFRA rules at 40 C.F.R. ? 152.132. Under those regulations, both primary registrants and supplemental distributors may be held accountable for the violative acts of the distributor. This settlement requires Dow to pay a penalty of \$182,640 within 30 days, complete a \$231,000 SEP by developing and implementing a widely-available, web-based FIFRA training which focuses on supplemental distribution, and certify to current compliance with FIFRA and its underlying regulations. FIFRA prohibits the distribution or sale of misbranded pesticides so that end users and members of the public have accurate, up-to-date, and compliant information ?including ingredients, directions for use, hazards, safety precautions, and the establishments where production occurs?about any pesticide in the marketplace. Distributor products are considered an extension of the primary FIFRA-registered pesticide and, thus, must timely reflect labeling, formulation, and registration changes regarding that primary product.

Laws and Sections

Law	Sections	Programs
FIFRA	12A1E	Adulterated/Misbranded

Citations

Title	Part	Section
-------	------	---------

Title	Part	Section
No data records returned		

Facilities

FRS Number	Facility Name	Address	City Name	State	Zip	SIC Codes	NAIC Codes
110046310327	HARRELLS LLC	34 EXECUTIVE DRIVE	DANBURY	CT	06810-4190	--	--

Defendants

Defendants and Settlements	In Complaint	In Settlement
DOW AGROSCIENCES LLC	Y	Y

Related Case Documents

Document	Facility Name	Publish Date	EPA Program
No data records returned			

Case Milestones

Event	Actual Date
Final Order Issued	02/25/2015
Complaint Filed/Proposed Order	02/25/2015
Enforcement Action Data Entered	03/17/2015

Pollutants

Pollutant Name	Chemical Abstract Number
Pesticides, general	--

Related Activities

Description	Actual Date
No data records returned	

Final Order 1

Final Order Type: Administrative Penalty Order With or Without Injunctive Relief

Final Order Name: DOW AGROSCIENCES LLC

Linked Facilities (FRS ID): 110046310327

Final Order Lodged Date: --

Final Order Entered Date: 02/25/2015

Enforcement Action Closed Date: --

Actual Termination Date: --

Penalties/SEPs/Cost Recovery Amounts

Federal Penalty Assessed or Agreed To: \$182,640

State/Local Penalty Assessed: --

SEP Value: \$231,000

Compliance Action Cost: \$0

Federal Cost Recovery Awarded: \$0

Complying Actions

Complying Action ID	Category	Description
---------------------	----------	-------------

Complying Action ID	Category	Description
No data records returned		

Supplemental Environmental Projects

SEP ID	Category	SEP Value	Description
3600000740	Environmental Compliance Promotion	\$231,000	Compliance promotion project is a multi-year, web-based FIFRA training with a particular focus on supplemental distribution.

Pollutant Reductions

Resulting From	Pollutant	Annual Amount	Units	Media Affected
No data records returned				